

MCLE

ATTENTION SUCCESSFUL BAR EXAMINEES! IMPORTANT INFORMATION REGARDING MINIMUM CONTINUING LEGAL EDUCATION

Congratulations on passing the California bar examination. Once you are sworn in as an active member of the State Bar of California, you will be subject to the Minimum Continuing Legal Education (MCLE) requirement. Please carefully read the following information, so that you will know how to comply.

YOUR COMPLIANCE GROUP

Upon admission to the State Bar, you will be assigned permanently to one of three Compliance Groups based on the first letter of your last name. **You always will stay in your original Compliance Group ("Group"), even if you subsequently change your last name.**

Members of each Group report their compliance in a different year. Members of all three Groups are required to complete 25 hours of approved continuing legal education every 36 months.

TOTAL MCLE REQUIREMENT AND COMPLIANCE GROUPS

The three MCLE compliance groups and the end of their pertinent compliance periods are shown below:

COMPLIANCE GROUP	COMPLIANCE PERIOD
1 - A-G (1st letter of surname)	2/01/2004 - 1/31/2007
2 - H-M "	2/01/2003 - 1/31/2006
3 - N-Z "	2/01/2002 - 1/31/2005

"REGULAR" (TOTAL) MCLE REQUIREMENT

TOTAL HOURS REQUIRED - 25 hours required (maximum of 12.5 hrs self-study)

SPECIAL REQUIREMENTS within total hours required (may be taken as participatory or self-study)

Legal Ethics - 4 hours required

Prevention, Detection & Treatment of Substance Abuse - 1 hour required

Elimination of Bias in the Legal Profession - 1 hour required

CALCULATING YOUR PROPORTIONAL MCLE REQUIREMENT

Please keep in mind that **your compliance period begins on the first day of the month in which you are admitted, which is the date you are sworn in**, not the date you pass the bar examination. At that time, you join the appropriate compliance period already in progress.

As your compliance period is already in progress, you do not have to comply with the entire requirement. Instead, you complete a proportional MCLE requirement for your first compliance period. However, if there are four months or less remaining in your initial compliance period when you are admitted, you will not be required to comply with the education requirement for the initial compliance period.

Please note that if you participate in any MCLE activities during a compliance period in which you are not required to comply, you may not carry those hours forward to the next compliance period.

Determine the number of months remaining in your compliance period and consult the "Proportional Requirement Chart" below to determine the number of total hours and hours of legal ethics required. Note that legal ethics hours are part of the total hours required.

- ▶ If you are sworn in during June of 2004 and assigned to **Group 1 (A-G)**, there would be 32 months remaining in your initial compliance period ending January 31, 2007. As outlined in the table below, you would be required to complete 23 hours of approved education, of which 4 hours must be in legal ethics. No more than one-half of your total hours may be completed through self-study activities.
- ▶ If you are sworn in during June of 2004 and assigned to **Group 2 (H-M)**, there would be 20 months remaining in your initial compliance period ending January 31, 2006. As outlined in the table below, you would be required to complete 14 hours of approved education, of which 3 hours must be in legal ethics. No more than one-half of your total hours may be completed through self-study activities.
- ▶ If you are sworn in during June of 2004 and assigned to **Group 3 (N-Z)**, there would be 8 months remaining in your initial compliance period ending January 31, 2005. As outlined in the table below, you would be required to complete 6 hours of approved education, of which 1 hours must be in legal ethics. No more than one-half of your total hours may be completed through self-study activities.

All new admittees who join their Group (whether assigned to Group 1, 2 or 3) with a compliance period already in progress are not required to complete one hour of approved continuing legal education relating to prevention, detection, and treatment of substance abuse **or** one hour of elimination of bias in the legal profession. This applies **only** during the admittee's **initial compliance period**.

Please note that new admittees may obtain MCLE credit only for education activities or portions of education activities taken on or after the first day of the month of their admission to the State Bar.

PROPORTIONAL REQUIREMENT TABLE

Months Remaining	Total Hours Required	Hours of Legal Ethics
1-4	0	0
5	4	1
6-7	5	
8	6	
9	7	
10	7	2
11	8	
12	9	
13-14	10	
15	11	
16-17	12	
18	13	

Months Remaining	Total Hours Required	Hours of Legal Ethics
19-20	14	3
21	15	
22-23	16	
24	17	
25	18	
26-27	19	
28	20	4
29-30	21	
31	22	
32-33	23	
34	24	
35	25	

PARTICIPATORY VS. SELF-STUDY

As mentioned, you must fulfill at least half of your MCLE requirement with "participatory" activities, while the remainder may be fulfilled with "self-study" activities. Participatory activities typically are thought of as "live" activities. However, a more useful way to think of them is as follows: Participatory activities are those for which an approved provider keeps track of your attendance at the activity. Essentially, your attendance at a participatory activity is verified by an approved provider while you alone verify your self-study activities.

For example, if an approved provider shows an approved tape, your viewing will be counted as participatory credit because the provider verifies that you watched the tape. However, if you watch the same approved tape at home, your viewing will be counted as self-study because you alone verify that you watched the tape.

APPROVED EDUCATION ACTIVITIES

You may claim MCLE credit only for education that is "approved," regardless of whether the activity is participatory or self-study. An approved activity need not be held in California, but may be held in any location. There are 5 ways in which an activity can be approved:

1. The provider of the activity has been designated an approved provider by the State Bar of California;
2. The individual activity has been designated an approved activity by the State Bar of California;
3. You have been granted State Bar of California approval of an activity that has not been otherwise approved;
4. The California Board of Legal Specialization has approved the activity for certification/recertification credit; or
5. The activity is of a type enumerated in section 4 of the MCLE Rules and Regulations, is held outside California, and is approved for CLE credit by a state on California's approved list.

LOCATING APPROVED ACTIVITIES

The best way to find an approved activity is to check the CLE promotional materials you read to see if the provider has certified that the activity has been approved for MCLE credit. If in doubt, contact the provider directly. You also can obtain a list of California approved providers from the State Bar website at www.calbar.ca.gov. The State Bar does not ask approved providers to furnish the State Bar with a list of the individual activities which they offer. You will have to contact the approved provider directly for that information.

EXEMPT STATUS

Four categories of active members of the State Bar are exempt from the MCLE requirement. Three (full-time law school professors, officers and elected officials of California, and State of California employees) were included by the Legislature in Business and Professions Code section 6070 and the fourth (federal employees) was included by the California Supreme Court in Rule of Court 958. **No other groups are exempt from the MCLE requirement.**

If you change your status from exempt to non-exempt, you will be required to complete a proportional requirement based on the number of months remaining in your compliance period. For example: You change to a job that does not confer exempt status, and have 16 months remaining in your compliance period. Using the chart on page 2, you are required to complete 12 hours of approved CLE activities, of which 2 hours must be in legal ethics.

Except at the end of your compliance period when all active members are required to submit a compliance card, or upon specific request, do not notify the State Bar of your exempt status or of a change to exempt or non-exempt status.

EXEMPTION FROM OR MODIFICATION OF THE REQUIREMENT

You can request **individual** good cause exemption from or modification of the MCLE requirement by completing an Exemption/Modification Request Form. **Please note that we adhere strictly to the requirement of a showing of good cause.** Your showing of good cause must include a statement of the facts specific to your circumstances rather than general statements about categories into which you fall.

PLEASE BE ADVISED THAT PAST DECISIONS INDICATE THAT IT IS UNLIKELY THAT YOU WILL BE GRANTED AN EXEMPTION IF YOU ARE ON ACTIVE STATUS. If you request a modification, you **must** propose a modification plan that enables you to get the maximum amount of continuing legal education consistent with your individual circumstances.

RECORDKEEPING REQUIREMENTS

Unlike many other states, California does not want you to report to the State Bar each time you attend a CLE activity. California will not maintain records of attendance for you. Instead, you are required to maintain your own records of attendance. **Except upon specific request, do not send us any evidence of your attendance at education activities.**

The provider of an approved activity is required to provide you with a record of attendance identifying time, date, location, subject matter and length of the education activity. You must retain these records as proof of attendance at the education activity. Please note that it is critically important for you to **sign in** at each approved participatory activity that you attend. The MCLE provider is allowed to include you on the official record of attendance at the activity **ONLY IF** your signature or other verifiable proof of attendance was obtained at the time of attendance at the activity.

In addition, you are required to maintain a record of self-study activities including, as appropriate, title, provider, time spent in the activity and the date on which you engaged in the activity.

As a back-up to your primary records, and to assist the State Bar in its audit of member compliance, providers must maintain an official record of attendees at education activities for at least four years after the completion date and must provide those records to the State Bar upon request.

HOW TO REPORT COMPLIANCE AND EXEMPT STATUS

Before the end of your compliance period you will receive a Compliance Card. You will be asked to attest under penalty of perjury that you have complied with the education requirement. The Card will make provision for anyone who is exempt to indicate their exempt status.

A group of attorneys will be requested to provide the State Bar with evidence of their attendance at the required education activities. For participatory activities, the audit group will be asked to submit copies of the attendance records received from providers. The State Bar then will check the provider's attendance log to verify that audit group members actually attended the education activity. For self-study activities, members of the audit group will be asked to submit their self-study log. (Regarding the self-study log, see paragraph 3 under "Recordkeeping" above.)

EXCEPT UPON SPECIFIC REQUEST, DO NOT NOTIFY THE STATE BAR THAT YOU HAVE ATTENDED AN EDUCATION ACTIVITY. EXCEPT AT THE END OF YOUR COMPLIANCE PERIOD WHEN ALL ACTIVE MEMBERS ARE REQUIRED TO SUBMIT A COMPLIANCE CARD, OR UPON SPECIFIC REQUEST, DO NOT NOTIFY THE STATE BAR OF YOUR EXEMPT STATUS OR OF A CHANGE TO EXEMPT OR NON-EXEMPT STATUS.

All members of the State Bar of California on active status must comply with the MCLE requirement, regardless of whether they practice law in California. If you now reside or you will be residing outside California and would like more information as to how to comply, please call the Office of Certification and request a copy of the "out-of-state" letter.

WHERE TO GET MORE INFORMATION

For answers to frequently asked MCLE questions,
please visit our website at
www.calbar.ca.gov .

You may contact our office at MCLE@calbar.ca.gov , or call (415) 538-2130.